

small business relief and a light at the end of the tunnel for rural healthcare systems that are hanging on by a thread.

So why did Democrats throw so much money at their pet projects? Do they really owe that many favors and paybacks? They certainly didn't pour their time and energy into those 600 pages to provide relief but to shamelessly advance their own agenda and throw aside struggling families and workers. Struggling families and workers were simply the price for getting the power that the Democrats wanted.

When I talk to Tennesseans about what happened in this Chamber last week, I tell them: You are right about what you were seeing as you watched the proceedings. You are right. Democrats took advantage of you, of your desperation and your exhaustion. They used slick messaging and wordy phrases to sell a bill of goods that treats every pet project they have and every liberal wish list agenda item as essential.

They like changing the rules. They change the meaning of words like "essential" because they knew that if they could make everything that they wanted essential, they could take all the power away from local, responsible governments. They could take it away from school districts and small businesses. And do you know what they are doing with it? They are going to centralize it.

See, here is the thing: You were essential to their greedy power grab. They had to have you.

They had to give their bill a nice-sounding name. They had to say certain things were essential, but you—small businesses, families, people who are playing by the rules, you were not essential to them.

See, that is what "progressive" means to Senate Democrats, and if we continue along this road, you are right; it will be an absolute unmitigated disaster for every single person that my colleagues across the aisle have used as leverage against responsible policy that will actually bring us out of this pandemic.

No, it is not about getting out of the pandemic. It is about power, the power that they want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FREE SPEECH

Mr. GRASSLEY. Mr. President, I have spoken on the Senate floor recently on the subject of free speech as it applies to the world of digital media. The principles of free speech are timeless and are applicable to new forms of communication. Still, it is natural that new questions will arise and new mechanisms might be needed to apply those principles across new modes of communication.

What shouldn't be in question is the need for open dialogue and freedom of speech in academia. Otherwise, what does the principle of academic freedom

mean if it isn't involved with freedom of speech?

All of the progress that has made modern life possible has been the result of individuals who have been able to think of things in new ways, even if that challenged an old orthodoxy. A healthy and vibrant academic environment is not afraid of those challenges.

Only stagnant, defensive, and unconfident regimes suppress speech. Think about the recent protests in Russia, Belarus, or Burma. China's restrictions on the internet and suppression of minorities show that it is threatened by contrary ways of thinking.

Which would you describe as an advanced, stable, and dynamic society: North Korea or South Korea? Obviously, that describes South Korea well. It does not at all describe that part of the Korean Peninsula north of the 38th parallel.

So what does it say about so many American academic institutions that the notion of free thought and free speech has now become controversial? What purpose do universities serve if one of the purposes is not to discuss controversial subjects? I often say my definition of a university is where controversy runs rampant.

We hear lots of rationales about why the current generation of college students needs to be protected from hearing speech that could be offensive, hateful, or just plain wrong. Of course, none of us support hateful speech. I don't support it, but I do support freedom.

If you empower those in authority to limit hate speech, whether they be college administrators or government officials, that power will eventually be abused to limit dissenting points of view of all kinds, and that is where some universities are right now.

Even in Iowa's three public universities, we have seen recent efforts to shut down mainstream, center-right views. For instance, a dean at the University of Iowa sent an email across a university platform criticizing a Trump administrative Executive order, but at that same university, when a student challenged the position of the dean using the very same medium, the student was threatened with disciplinary action.

Well, the dean has since apologized for his initial handling of the subject, so I don't raise that to pick on him. In fact, that very dean has befriended me in very many ways and in thoughtful ways as well. But it just makes you wonder if it is part of a broader cultural trend in academia, what went on in that instance at the University of Iowa.

Then there was an English professor at Iowa State University who had to be reprimanded for banning her students from writing papers expressing certain viewpoints such as opposition to abortion or same-sex marriage. The president of my alma mater, the University of Northern Iowa, had to step in to re-

verse a decision by the student senate denying a group of pro-life students student organization status purely because of their political views.

In each case, the university administrations of these three universities ultimately resolved these incidents well and properly so. I mention them not to pick on my State of Iowa's universities and not to criticize any university, for that matter, but because they seem to be examples of a broader trend on campuses across the country of a knee-jerk reaction to shut down speech some find disagreeable.

The best response to the expression of views that you find repugnant is speech that points out the errors of that particular way of thinking. Now, I think that is best expressed by the University of Chicago's policy, which has become kind of a gold standard for free speech advocacy on university campuses. The University of Chicago expressly prohibits obstructing or otherwise interfering with freedom of others to express views they reject or even loathe.

If you are confident in the rightness of your views and you have an environment that allows free expression of those views, you need not fear speech you find wrong. Of course, that assumes that human beings are all gifted with the power of reason and can discern what is right.

Now, if it happens that that is not the case, if people cannot be trusted to listen to different views and come to the right conclusion, then there is no basis for democracy and our system of self-government, then, is fundamentally flawed.

You can shield students from hearing challenging and uncomfortable views while in college but not when they get out in the real world. Just think of these college students who are on campus. What if they had left high school for the world of work? They would be faced with all these things every day.

So what is special about a college campus? In fact, it is so special that you ought to have a discussion of all these subjects. Academic institutions that do not allow for student views to be challenged, to be tested, to be refined through rigorous debate are doing those very same students a very great disservice. These students' knowledge will be limited, then, and their views unsophisticated. Their ability to deal with different ways of thinking, which they will inevitably encounter throughout their lifetime, will be greatly diminished.

I feel sorry for students who graduate from colleges that cocoon them from controversy. Let me repeat what I said at the beginning. I have always thought of a university as a place where controversy should run rampant.

The notion that the voices students hear must be curated for their own good is concerning, not just because it has a totalitarian ring but because it is harming students in the long run, when they have to deal with the real world.

If students are showing up on campus unable to cope emotionally with hearing conflicting viewpoints, that is a problem of their upbringing and education to that point, before they go to that university. It is something colleges need to confront head-on for their students' well-being. Further shielding students from having their views challenged and then sending them out in the world thinking they are prepared is a recipe for failure.

Americans seem to be losing the ability to understand the point of view of those with whom they disagree. That is an unrealistic point of view for Americans to have. It is a failure to teach about freedom. Questioning of motives has replaced principled argument. Shouting insults has displaced logical debate.

Don't you see, this is a societal trend that increasingly is reflected in the Halls of Congress—right here. Those who have attended institutions of higher education should have to be exposed to the great thinkers of the past and the present, be able to argue points logically, and, more importantly, understand the points of those whom they are trying to persuade or refute.

College graduates should be models of civil discourse. Instead, they are too often the vanguard of the closing of the American mind. For the sake of their students and for the benefit of society, I urge college administrators, trustees, alumni, and all Americans who value the free exchange of ideas to work toward reversing this trend.

Open debate may seem contentious at times, but it is the only path toward mutual understanding, which is so needed right now in American society, our less-than-civil American society, which that less-than-civil American society tends to show up in a democracy that has representative government where, if you are really going to have representative government, wouldn't you expect some of what is happening at the grassroots to show up here in the Halls of Congress? And we do see it all the time, to our shame.

NOMINATION OF MERRICK BRIAN GARLAND

Mr. President, on another subject, today the Senate will start consideration of Judge Merrick Garland's nomination to be Attorney General of the United States.

I will be supporting his nomination, but, as I said at Garland's hearing before the Judiciary Committee, I have concerns, and I am here now to repeat those concerns so all of my colleagues can hear them.

I hope he will take these concerns seriously, and I will work with members of the Judiciary Committee to conduct thorough oversight of the Department of Justice in order to make sure the Department is being run independently and free from political influence.

On paper, I don't think anyone would doubt Judge Garland is a good pick to lead the Department of Justice.

His credentials are excellent, and he has a distinguished career of public

service, including all of those long years he has been on the DC Circuit Court of Appeals. Of all the possibilities to be President Biden's Attorney General, it is hard to come up with a better pick.

The top law enforcement officer of the United States must be committed to enforcing the rule of law, and he made it very clear that that is what he was going to do. As our former colleague John Ashcroft said—and he was Attorney General, you know, early in the George W. Bush administration—the Department of Justice is the only Cabinet Agency whose name is an ideal. It is not the Department of Law Enforcement but the Department of Justice. Justice is equality under the law. There is one law for all Americans regardless of race, color, creed, or political affiliation.

It is our founding principle that all people are created equal. My hope is that Judge Garland agrees with that principle, and he does, but he has got to be careful to make sure the Justice Department runs accordingly.

That is not how it has always been, however. And I don't want to say that is how it has always been under just Democrat Presidents; it probably has been that way under Republican Presidents too. But I don't think it is how it was run more recently during the Obama years.

Here is what I don't want to see Judge Garland do—and all of my colleagues at the time heard this: The Attorney General then, Eric Holder, famously said that he was a “wingman” to the President. I don't want an Attorney General who takes tarmac meetings with President Clinton while she is investigating his wife. I don't want consent decrees that federalize law enforcement and cause murder rates to soar. I don't want the Civil Rights Division trying to stop school choice in Louisiana. I don't want a return to catch and release. I don't want Operation Choke Point, where the Department of Justice decides that gun stores don't get access to banking services.

I am concerned about the Justice Department's direction before Judge Garland is even confirmed. These are some of the directions. They changed litigation positions on a number of high-profile cases in court, including on immigration, affirmative action, ObamaCare, and other issues.

This is what a very famous Solicitor General, Paul Clement, said: “It has been the long-term position of the Justice Department to defend the constitutionality of statutes whenever reasonable arguments can be made.”

It appears that our new President and his administration are going to flout that tradition. I just stated how Paul Clement felt about it. I hope that Judge Garland brings that point of view in line and preserves the credibility of the Justice Department.

I hope he also preserves his credibility with the Durham investigation. During the Trump administration, I

supported the Mueller investigation. I even supported legislation to protect his investigation in 2018 when it looked like President Trump might fire him. That bill got out of the committee that I chaired at that time.

In 2019, when Bill Barr was before the Judiciary Committee, he was required to commit to not interfere with the Mueller investigation. And I thought that was appropriate.

Now we have another special counsel investigation, this one run by John Durham, a respected career prosecutor who is investigating the Crossfire Hurricane investigation, in which members of the Obama administration spied on and prosecuted members of the Trump campaign.

As a Republican who supported Mueller, I think it is obvious that Judge Garland should have made that same commitment at the hearing about Durham that Bill Barr made about Mueller when he was before the same committee for confirmation. Judge Garland was given multiple opportunities to do so during his hearing and had written questions for the record, but every time he declined to do so unequivocally. He has implied that he won't interfere with the Durham investigation, and I take him at his word. But it would have been better if he had been very clear about it before the committee.

So, further clarification, it is Judge Garland's credibility that is on the line. If Durham is fired for anything other than cause, we will know why Judge Garland refused to give us a commitment like Barr gave us a commitment when we asked for it.

Lastly, I want to make a point about how Judge Garland's nomination went through the Judiciary Committee. Republicans called two witnesses, two of whom supported Judge Garland's confirmation. Republicans also decided not to do the usual holdover of one week of Judge Garland's nomination, allowing him to be reported to the floor a week early. Judge Garland also received bipartisan support in the committee.

It happens that none of these courtesies were extended to either of President Trump's nominees to be Attorney General, one of whom was a colleague of ours here in the Senate and one of whom had already held the job before.

I say all of this to make a point more to the media than to my colleagues because the media seemingly refuses to cover these points of bipartisanship that we didn't get from the Democrats in the previous administration. After the last 4 years of unprecedented obstruction of nominees, I think Republicans would have been justified to make this confirmation a drawn-out process. But we did not do that.

I don't plan on opposing nominees just because of the person who nominated them like many of my colleagues, unfortunately, did in the last 4 years.

So even though I still have some concerns, I believe Judge Garland is a good